

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

**N.Y.S.D. Case #
21-mc-102(AKH)**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 9th day of June, two thousand and eleven,

Richard Dambakly, Dorothy Dambakly, Edward Deery, James Goldsworthy, Donna Goldsworthy, Philip Kirschner, Timothy Lombardi, Janice Lombardi, Philip Mattera, Laura Mattera, Steven Mozes, d Amy Mozes, Arthur Noonan, Denise Noonan, Devrin Perdue, Goldie Perdue, Stanley Salata, Christine Salata, Richard Srnioukas, Truzzolino Barbra, Michael Vandergriff, Angela Vandergriff,

Claimants - Appellants,

v.

Lucyna Foremska, Tadeusz Foremska, Richard Racioppi, Alex Anthony Sanchez, Rafael Valdez, Manuel Checo, Dorota Markut, Roman Markut, Jose Bello, Bozena Kurkowski, Janus Kurkowski, Ludmila Khomik, Voldymyr Khomik, Gustavo Iturralde, Monica Arce, Miguel Zanabria, Ryszard Krysiuk, Viasta Krysiuk, Columbina Estrella, Leonardo Estrella, Marco Fernandez, Richard Aalbue, Edgar Abarca, Yasmin Abarca, John Abatz, Aly Abdelrehim, Carmelo Acevedo, Byron Acosta, Julian Acosta, Stephen Addeo, Rene Adorno, Luis Adriano, Emmanuel Agostini, Gladys Agudelo, Maria Agudelo, Claudio Agudo, Luis Aguilar, Wilmer Aguinaga, Kevin Ahearn, Raul Alcivar, Miguel Alfaro Lobo, Pedro Alfonso, Carlos Ali, Enrique Ali, Anthony Alloggio, Brigitte Almanzar, Jorge Almeida, Ana Maria Alvarado, Telma Alvarado, Gloria Alvarez, Juan Alvarez, Maria Alvarez, Rolando Alvarez, Hernando Alvarez-Garcia, Jose Alvarracin, Santiago Alvear, Anthony Amabile, Jr., Melba Amaya, Michael Ambrosecchia, Alberto Andrade, Rossina Angulo, Philip Annunziato, John Antiaris, Donald

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Docket Number: 10-4353

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Arana, Magda Arango, Fabio Arbelaez, Ignacio
 Arbelaez, Desiderio Arboleda, Michael Arendt, Arturo
 Arias, Gloria Arias, Julio Arias, Jhonson Arichabala,
 Amparro Aristizabal, Dagoberto Aristizabal, Enid
 Aristizabal, Thomas A. Arlotta, Enrique Arrieta, Daniel
 Arrigo, Betsy Arruda-Loor, Kleber Arteaga, Ivan
 Ascencio, Angel Asmal, Carlos Asmal, Vilma Aspiazu,
 Freddy Astudillo, Wilmer Astudillo, Martha Atehortua,
 Frank Auditore, Daniel Austin, Hernando Avenia, Angel
 Avila, Cesar Avila, Derlim Avila, Edgar Avila, Luis
 Avila, Mauricio Avila, Nolberto Avila, Richard Avila,
 Sixto Aviles, Ivan Ayala, Rosa Azcarate, Victor
 Azubike, Andrzej Baczkowski, Fabiola Baez, Jason
 Bailey, Peter Bailon, Reyaad Baksh, Hector Balaguer,
 Jose Balarezo, Richard Ballerini, Vanessa Ballesteros,
 Ivan Banda, Miguel Banda, Nestor Banda, Nestor
 Banda, Jr., Sandra Baquero, Jose Barahona, Virginia
 Barbosa, Stalin Barcco-Wong, Miguel Barona, Sergio
 Barragan, Arturo Barrero, Raul Barreto, Mercedes
 Barriga, Rodrigo Barros, Hector Barroso, Sebastiano
 Basile, Julio Bastidas, Ramiro Bastidas, Linda Battle,
 Ivan Bayas, Scott Bedell, Tadeusz Bedkowski, Sime
 Begonja, Fanny Bejarano, Wlodzimierz Belkowski,
 Vincente Benavidez, Joseph Benbow, Luis Benitez, Ana
 Bermeo, Luis Bermeo, Anita Bermudez, Luis
 Berrezueta, George Berrones, Hector Betancourt, Ana
 Betancur, Louis Betro, John Bevando, Jan Bierylo,
 Roman Bikowski, Charles Blandino, Daysy Blandon,
 Lucy Blandon, Frank Bocchichio, Jacek Bogacki,
 Nicholas P. Bolobanic, Susana Bonifaz, Luis Bonilla,
 Gladys Bonnen, Andrzej Borkowski, Wiktor
 Borowiecki, Luz Botero, Yuly Botero, Hava Bracic,
 Eric Braverman, Jorge Bravo, Richard Brenseke, Lisa
 Brown, Thomas Bruno, Johnathan Buckley, Hector
 Buestan, Kenny Bugge, Carlos Bunay, Cruz Bunay,
 Flor Bunay, German Ernesto Bunay, Teresa Bunay,
 Mario Buonviaggio, Leopoldo Burgos, Charles
 Bustamante, Georgina Cabrera, Hugo Cabrera, Kleber
 Cabrera, Marbin Cabrera, Oswaldo Cabrera, Rolendio
 Cabrera, Wilson Cabrera, Hamide Cagatay, Zebiullah
 Cagatay, Manuel Caguana, Segundo Caguana, Bolivar
 Caivinagua, Juan Caivinagua, Martha Caiza, Collin
 Calder, Ivan Calero, Lucy Cali, Elva Calle, Gil Calle,
 Jose Calle, Maria Rocio Calle, Wilson Calle, Francisco
 Camino, Flor Campos, Angel Campoverde, Rey
 Campoverde, Rodrigo Campoazano, Consuelo
 Campuzano, Russell Cannon, Ana Patricia Cantos,

William Cantres, Mauricio Carchi, Edison Cardenas,
 Carlos Cardona, Catherine Cardona, Luz Cardona,
 Denis Carlin, Michael Carlisi, Fausto Carpio, Jose
 Carpio, James Carr, Hernan Carrasco, Victor Carrasco,
 Ramon Carrero, Linda Carrillo, Neil Carroll, Ronald
 Carson, Javier Carvajal, Scott Carville, Donald Casey,
 Carlos Castano, Antonio Castillo, Francisco Castillo,
 Nancy Castillo, Piedad Castillo, Silvia Castillo, Douglas
 Castle, Isabel Castrillon, Gisel Castro, Hector Castro,
 Lucero Castro, Maria Castro, Michael Cavaluzzi,
 Teresita Cayetano, Lidia Ceballos, Carlos Cedenio, Guy
 Cerbone, Armando Ceron, Monte Cesta, Wilson Chaca,
 Rosa Chain, Aida Chalco, Joel Chalco, Horacio Chalen,
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 Chavez, Benjamin Cheesman, Joseph Chiarantano, Nick
 Chiarello, Maria Chimbay, Walter Chipe, Manuel
 Chique, Maria Chique, Luis Chirinos, Pawel Choinski,
 Andrzej Chojnowski, Faisal Choudhury, William Chun,
 Vincent Ciaramella, Maria del Pilar Cifuentes, Yolanda
 Cintron, Dermott Clancy, Cecilia Claret, Justina Claret,
 Sarbelia Coballes, Angel Cobos, Robert Cocherro,
 Edward Cochran, Asdrubal Coello, Anthony Cokley,
 Felice Colella, Antonio Collazos, Joseph Colombo,
 Viviana Colorado, Christopher Colucci, John Colucci,
 John Combos, John Comerford, Ralph Conca, Beatriz
 Concepcion, Freddy Conforme, David Contessa,
 Thomas Conway, William Cook, Freddy Cordero,
 Hector Cordova, David Cornier, Jose Coronel, Howard
 Corr, Elena Corrales, Francisco Cortes, Jorge Cortez,
 Lidia Cortijo, Manuel Cosme, Thomas Costello, Martin
 Coyne, Jose Criollo, Nancy Criollo, James Cronin,
 Efren Cruz, Zunilda Cruz, Patricia Cubas, Carmen
 Cubero, Francisco Cuellar, Aracelly Cuervo, David
 Cuevas, Rosa Culcay, Andrew Cullimore, Anthony
 Cuomo, Peter Curley, Peter Cusick, Mieczyslaw
 Dabrowski, Kevin Dallas, Patrick D'Alliegro, John Daly,
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 Robert Darin, Leonor Datil, Flora Davila, Wilmar
 Davila, Jimmie Davis, Pyron Davis, Maria De La Cruz,
 Peter DeAngelis, Gilberto DeJesus, Maria DeJesus,
 Belkis Delacruz, Elsa DeLaCruz, Gloria Delacruz,
 Ofelia DeLaCruz, Isabel DeLeon, Emilsen Delgado,
 Luciano Delorbe, Joseph DeLuca, Louis DeLuccy,
 Mark DeMauro, Wieslaw Demko, Michael Devito,
 Fernando Dias, Alba Diaz, Luz Diaz, Ramiro Diaz,
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 Anthony Dimino, John Dipalo, Leo DiRubbo, Nicholas

DiRubbo, Zbigniew Dobronski, Patrick Dolan, Frank Dolce, David Dominguez, Francisco Dominguez, Gina Dominguez, Margarita Dominguez, Tailor Dominguez, Christopher Donnelly, Michael Donovan, Clara Dota, Joseph Douso, Glenn Dowd, John Dowling, Edward Doyle, Jesse Drake, Bogdan Drozd, Dominik Drozd, Stanislaw Drozd, Oswald Drysdale, Inerva Duarte, Luz Duche, Angel Duchitanga, Manuel Duchitanga, Maria Duchitanga, Rosalino Duchitanga, Blanca Duque, Flor Duque, Maria Duque, Ana Duran, Elvia Dutan, Lucila Dutan, Tomasz Dybus, Carl Dyer, Willie Easterling, Cirilo Encalada, Jorge Encalada, Luis Encalada, Marco Encalada, Mark Engelbrecht, Joseph Eramo, Robert Espinal, Enny Espinosa, Hernando Espinosa, Nancy Espinosa-Cardenas, Adolfo Espinoza, Alex Espinoza, Carlos Espinoza, Harold Estrada, Anna Estrella, Robert Fairweather, Carlos Fajardo, Blanca Falcones, William Fallon, Stanislaw Faltynowicz, Manuel Fares, Bradley Fassett, Christian Febrillet, Frank Felicetti, Aldo Feliciano, Gladys Feliciano, Wilson Feliciano, Marcial Feliu, Delio Feliz, Sandra Fernandez, Kenneth Ferraro, Washington Ferruzola, Piotr Fiedziukiewicz, Tom Finnerty, Gregory Fisco, Kevin Fitzpatrick, Joseph Fiumano, Patrick Flaherty, Danilsa Flores, Talia Flores, James Flynn, Donald Foley, Patricia Fox, Charles Francis, Herman Franco, Lucelly Franco, Luis Franco, Dzile Frangu, Nathaniel Frazier, Flavio Freire, Janina Frelas, Deloris Frierson, Lazaro Fuentes, Manuel Fuertes, Harald Gabrielsen, Juan Galarce, Cruz Galiano, Norberto Gallardo, Carmen Gallego, Isma Gallego, Rebeca Gallegos, Victor Gallegos, Walter Gallegos, Wilson Gallegos, Piotr Fiedziukiewicz, Tom Finnerty, Gregory Fisco, Kevin Fitzpatrick, Joseph Fiumano, Patrick Flaherty, Danilsa Flores, Talia Flores, James Flynn, Donald Foley, Patricia Fox, Charles Francis, Herman Franco, Lucelly Franco, Luis Franco, Dzile Frangu, Nathaniel Frazier, Flavio Freire, Janina Frelas, Deloris Frierson, Lazaro Fuentes, Manuel Fuertes, Harald Gabrielsen, Juan Galarce, Cruz Galiano, Norberto Gallardo, Carmen Gallego, Isma Gallego, Rebeca Gallegos, Victor Gallegos, Walter Gallegos, Wilson Gallegos, Diana Galli, Cori Gallo, Juan Gallo, Edgar Galvis, Rosa Gandia, Wieslaw Gandurski, Jesus Garces, Segundo Garces, Carlos Garcia, Enrique Garcia, Fernando Garcia, Fredy Garcia, Isabel Garcia, Jorge Garcia, Jose Garcia, Joseph Garcia, Ladislao Garcia, Lizeth Garcia,

Luis Garcia, Sixta Garcia, Sonia Garcia, Viviana Garcia,
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 Johnson, Christopher Johnson, James Jones, Pierra
 Jones, Tony Jones, Luis Jordan, Danny Joseph, Jan
 Jozefowicz, Henryk Jozwiak, Osman Juarez, Urbano
 Juarez, Philip Jude, Teresa Jurado, Charles
 Kaczorowski, Jozef Kaczynski, Boris Kagan, Bozena
 Kajewska-Pielarz, Slawomir Karpinski, Janusz Karpiuk,
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 Kearney, Egerton Kelly, Ronald Kerney, Mitchell
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Medrano, Hilario Mejia, Maria Melendez, Alberto
Melo, Richard Meltz, Edgar Mendez, Juan Mendez,
Enrique Mendoza, Gustavo Mendoza, Luis Meneses,
Carlos Merchan, Luis Mesa, Wojciech Michalik, Damon
Michalopoulos, Joseph Mills, Richard Miranda, Susana
Miranda, Ubaldo Misaico, Timothy Moeller, Bruce
Mogg, Jeffrey Mohlenbrok, Rosa Molina, Robert
Mollahan, Frank Molloy, Luz Montalvo, Otto
Montenegro, Hamilton Montero, Leidis Montero,
Sandra Montoya, Angel Monzant, Edward Moore,
Eugenio Mora, Edwin Morales, Fabio Morales,
Segundo Morales, Tatiana Morales, Xiomar Morales,
LeRoy Moran, Luis Moran, Wilson Moran, Como
Mordente, Consuelo Moreno, Jorge Moreno, Sandra
Moreno, John Moretti, Lawrence Morgan, Simon
Morocho, Salvatore Moscato, Linder Mosquera, Joe
Moya, Jacek Mrozek, Richard Mulhern, Esperanza
Munoz, Janeth Munoz, Javier Munoz, Michael Murphy,
Glenn Murray, Adolfo Naranjo, Angel Naranjo,
Leonardo Naranjo, Luis Naranjo, Walter Naranjo,
Mieczyslaw Nartowicz, Carlos Narvaez, Julia Narvaez,
Rosa Narvaez, Miguel Naula, Segundo Naula, Dalia
Nauta, Geronimo Navarro, Oscar Negrete, Aurea
Negron, Herbert Negron, Timothy Nevins, Jose Nicola,
Rodolfo Nieto, Victor Nino, David Niskanen, William
Noesges, Miryam Noguera, Joseph Nolan, Richard
Nolan, Carlos Nunez, Divina Nunez, David Nussbaum,
Sean O'Neill, Michael O'Brien, Janneth Ocampo,
Orlando Ocampo, Gustavo Ochoa, Sean O'Connell,
Edward O'Connor, Michael O'Leary, Pilar Olivo,
Wilson Olivo, Steven Olsen, Arkadiusz Olszewski,
Alexander O'Neal, Michael O'Neal, Emil Onzo, Walter
Oquendo, Julio Ordonez, Aurellio Orellana, Cristobal
Orellana, Edgar Orellana, Haidee Orozco, Rafael
Orozco, Edgar Ortega, Mariana Ortega, Sandra Ortega,
Christopher Ortiz, Maria Ortiz, Rosa Ortiz, Wilson
Ortiz, Alicia Osorio, Wladyslaw Ostrzycki, Blanca
Oyervide, Jaime Ozoria, Maximo Pachay, Jose Pacheco
Lobo, Miguel Pacho, Wojciech Paciorewski, Carmen
Padilla, Nayibe Padredin, Miguel Paduani, Krzysztof
Pajak, Rosa Palaguachi, Michael Pallotto, Patricia
Palma, Henry Palomeque, Camilo Palomino, Frank
Pangallo, Czeslaw Pankiewicz, Nicholas Papazissis,
Philip Pappalardo, Kleber Paredes, Valentin Paredes,
Walberto Paredes, Felix Parra, Leydi Parra, Frank
Pasqua, Zoila Pastuizaca, Michael Paternostro, Reina
Paucar, Grecia Pazmino, Albert Peduto, Inez Pelaez,

Rolando Pelaez, Alexander Pena, Gabriel Pena, Jorge Pena, Luis Pena, Marianna Pena, Michael Pena, Luis Penafiel, Robert Pepe, Joseph Pepe, Jr., Guido Peralta, Jose Peralta, Zaida Perea, Jacqueline Perez, Otilia Perez, David Perez- Zapata, Maribel Perez-Sanchez, Kazimierz Perkowski, LaDerrick Perry, Slawomir Peski, Stephen Peters, Julio Pichu, Hanna Pieczynska, Clifford Pierrot, Jan Pietraszkiewicz, John Pigott, Luis Pillco, Napoleon Pina, Freddy Pineda, Hernan Pineda, Carlos Pinela, Katherine Pinkney, Fernando Pino, Luis Pinos, David Pinto, Zbigniew Plucinski, Jose Polo, Pedro Ponce, David Pope, Piotr Porowski, Raul Porras, Michael Power, Juan Manuel Prada, Maria Prada, Victor Prado, Bruce Prescod, Gladys Pretel-Vega, Andrzej Prus, Andrej Prusak, Elsa Puma, Maria Puma, Pietro Puma, Manuel Pumacuri, Dan Purcell, Jan Pyziak, Scott Quinlan, Natalia Quintanilla, Efrain Quintero, Jesus Quizhpi, Nelly Quizhpi, Segundo Quizhpi, Mark Rafaniello, James Ragnetti, Joseph Raimondi, Freddy Ramirez, Harold Ramirez, Michael Ramirez, Orlando Ramirez, Ramiro Ramirez, William Ramirez, Dennis Rando, Abdel Rasheed, Eugene Reems, Denis Reen, Lawrence Regula, Andrew Rehorn, John Reilly, Jan Rejment, Roland Renaudin, Paul Renda, Guelmer Rendon, Viviana Rendon, Irving Rengifo, Javier Restrepo, Angel Reyes, Marilan Reyes, David Reynolds, Francisco Reynoso, Joseph Ribeiro, John Ricciardi, Keith Richards, Alejandra Rico, Eric Rieger, Carlos Riera, Maximo Riera, Laura Riggi, Laura Riggi, Shayla Rivera, Sonia Rivera, Patrizio Rizzi, Bobby Roberts, Blanca Robles, Maria Robles, Teresa Robles, Hugo Rodas, Patricio Rodas, Jorge Rodriguez, Luis Rodriguez, Luz Rodriguez, Manuel Rodriguez, Mercedes Rodriguez, Mirian Rodriguez, Napoleon Rodriguez, Olga Rodriguez, Rosa Rodriguez, Susana Rodriguez, William Rodriguez, Olga Rodriguez-Jomarron, Alfredo Rojas, Angel Rojas, Jaime Rojas, Mario Rojas, Luis Roman, Mieczyslaw Romaniuk, Dennis Romano, Carmen Romero, Cesar Rosales, Carmen Rosario, Richard Ross, Anthony Rotondi, Jerzy Rozpedowski, Glenda Ruales, Segundo Ruales, Anthony Rudder, Casilda Ruffen, Eddie Ruggiero, James Ruggiero, John Ruggiero, Igbalija Rugovac, Arley Ruiz, Rafaela Ruiz, Tejperpab Rupnarain, Thomas Ryan, Donaldo Saavedra, Jorge Saavedra, Galit Sabo-Winer, Donald Sadowy, Blanca Saeteros, Milton Saeteros, Vincenzo Salamone, Maria

Salazar, Victor Salazar, Calinda Salgado, Hipolito Salgado, Lorraine Salgado, Angela Salinas, Jan Salwa, Antwi Samuel, Manuel Sanabia, Apolinar Sanchez, Daniel Sanchez, Delta Sanchez, Edilberto Sanchez, Genaro Sanchez, George Sanchez, Javier Sanchez, Jose Sanchez, Juan Sanchez, Liliana Sanchez, Manuel Sanchez, Miyerlay Sanchez, Oscar Sanchez, Rocio Sanchez, Rosa Sanchez, Wilson Sanchez, Gabriel Sandoval, Henry Sandoya, Luis Sanguna, Leonel Sanmartin, Emanuel Santamaria, Hilda Santana, Miquel Santana, Yahira Santana, David Santos, Fernanda Santos, Joanne Santos-Masso, Edwin Sarmiento, Galo Sarmiento, Gerardo Sarmiento, Javier Sarmiento, Jose Sarmiento, Maydi Sarmiento, Pedro Sarmiento, Antonio Sarra, Gertrudis Savage, Robert Schmidt, Steven Schuler, Michaelene Schultz, David Scott, John Seagriff, Maria Segaline, James Seiferheld, Juan Sen, Alfonso Serrano, Angel Serrano, Theresa Serrano, Stanislav Shalomov, Vladimir Shalomov, Ken Shanahan, Steven Shields, Ulysses Shingles, James Short, Anthony Shubert, Martha Sibrian, Andrzej Siemek, Frank Signorile, Daniel Siguachi, Nancy Siguencia, Raul Siguencia, Antonio Silva, Carlos Silva, Enrique Silva, Fredy Silva, Ligia Silva, Luis Simancas, Larry Simes, Zoila Sinchi, George Sinerco, Eugeniusz Skrzeczkowski, Jerzy Slesicki, Janusz Sliwecki, Jeffrey Smith, Maria Solarte, Ignacio Solis, Lucio Solis, Cynthia Sosa, Jaime Sosa, Mayie Soto, Robert Sparano, Zachary Stamatakis, Joe Starace, Andrew Steckler, Maximino Sterling, Jake Stevens, Alex Stroud, Norma Suco, Margaret Sullivan, Jose Sumba, Samuel Sumba, John Sweeney, Konrad Szafranski, Zbigniew Szczepan, Mirosław Szpanelewski, Edward Szuberla, Edward Szubski, Zbigniew Szykowski, Janeth Tabares, Ljiljana Tabares, Mauricio Tabares, Bertha Tache, John Taggart, Sara Tallaksen, Pedro Tamayo, Cristhian Tapia, Felicia Taylor, Robert Taylor, Guy Tedaldi, Nicholas Tehan, Rocio Tenempagauy, Wilfrido Tenempaguay, Julia Tenezaca, Manuel Tenezaca, Cesareo Teran, Rocco Testa, Eric Theiss, Kevin Thomas, Jeanne Thorpe, Stephen Tighe, Brendan Tobin, Maribel Tobon, Jorge Toledo, Nelson Toledo, Rosalia Toledo, Victor Toledo, William Toledo, Aracely Toledo Naranjo, Dariusz Tomczyk, Carlos Toral, Flor Torrealba, Aida Torres, Duby Torres, Felix Torres, Javier Torres, Miguel Torres, Pedro Torres, Esperauza Trejos, Consuelo Trujillo, William Trivino,

Manuel Tuapante, Jerome Tucker, Clemente Urena,
 Miguel Urgiles, Esperanza Urquijo, Manuel Uzhca,
 Miguel Uzhca, John Vaccarella, Rosa Valdez, Wilson
 Valdez, Aida Valdiulezo-Nieto, Hector Valdiviezo,
 Carlos Valencia, Gisela Valencia, Yolanda Valencia
 Gonzalez, John Valenti, Mario Valenzuela, Vincent
 Vales, Rainel Valladares, Mark Vanbelle, Edward
 Vanfechtmann, Gabriel Varela,
 Plaintiffs - Appellees,

Tully Construction Co., Inc., City of New York, AMEC
 Construction Management, Inc., Bovis Lend Lease
 LMB, Inc., Plaza Construction Corp., Turner
 Construction Company, Tully Construction Co., Inc.,
 Fleet Trucking, Inc, A. Russo Wrecking, Inc., AMEC
 Earth & Environmental, Inc., Atlantic-Heydt
 Corporation, Berkel & Company Contractors, Inc., Big
 Apple Wrecking & Construction Corporation, Board of
 Education of the City of New York, Breeze Carting,
 Inc., Breeze National, Inc., Brer-Four Transportation,
 Buro Happold Consulting Engineers, PC, C.B.
 Contracting Corporation, Canron Construction
 Corporation, Component Assembly Systems, Inc., Cord
 Contracting Co., Inc., Dakota Demo-Tech, Diamond
 Point Excavating Corporation, Diversified Carting, Inc.,
 DMT Enterprise, Inc., E.J. Davies, Inc., Eagle One
 Roofing Contractors, Inc., En-Tech Corporation,
 Evergreen Recycling of Corona, Ewell W. Finley, P.C.,
 Executive Medical Services, P.C., Francis A. Lee
 Company, FTI Trucking Corporation, Gilsanz Murray
 Steficek, LLP, Goldstein Associates Consulting
 Engineers PC, Hallen Welding Service, Inc., HP
 Enviornmental, Inc., Hudson Meridian Construction
 Group LLC, J.P. Equipment & Rental Materials,
 L.L.C., La Strada General Contracting Corporation,
 Laquila Construction, Inc., Leslie E. Robertson
 Associates, R.L.L.P., Liberty Mutual Insurance
 Company, Lockwood Kessler & Bartlett, Inc., Lucius
 Pitkin, Inc., LZA Technology - a division of Thornton
 Tomasetti Manafort Brothers Incorporated, Yonkers
 Contracting Company, Inc., Yannuzzi & Sons, Inc.,
 WSP Cantor Seinuk, Mazzocchi Wrecking, Inc.,
 Wolkow Braker Roofing Corporation, Moretrench
 American Corporation, MRA Engineering P.C., Royal
 GM Inc., Weidlinger Associates P.C., Weeks Marine,
 Inc., SAB Trucking, Inc., Mueser Rutledge Consulting
 Engineers, Nacirema Industries Inc., New York City

Department of Education, New York City School Construction Authority, New York Crane & Equipment Corporation, Vollmer Associates LLP, Turner/Plaza, A Joint Venture, Tucci Equipment Rental Corporation, Total Safety Consulting, LLC, Thornton Tomasetti, Inc., Rodar Enterprises, Inc., City University of New York, Nicholson Construction Company, Peter Scalamandre and Sons, Inc, Pinnacle Environmental Corporation, Pro Safety Services Inc., Skidmore Owings and Merrill, L.L.P., Skanska Koch, Inc., Simpson Gumpertz & Heger, Inc., PT&L Contracting Corporation, Robert L. Gerosa, Inc., Robert Silman Associates, P.C., Safeway Environmental Corporation, Semcor Equipment & Manufacturing Corporation, Silverite Contracting Corporation,



Defendants - Appellees.

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1. Each party has submitted a separate electronically signed counterpart reflecting the negotiated terms of the stipulation.

The stipulations are hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit